

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

January 23, 2008

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

I. ROLL CALL

Commissioners Present

Commissioner Correll
Commissioner Fox
Chairman Hall
Commissioner Pane
Commissioner Pruet
Commissioner Schatz
Commissioner Ganley
Commissioner Camerota
Commissioner Niro

Commissioners Absent

Commissioner Kornichuk

Staff Present

Ed Meehan, Town Planner

Commissioner Camerota was seated for Commissioner Kornichuk

II. PUBLIC HEARINGS

- A. . Petition 54-07 – Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Section 3.15.4 Restaurant use with Drive Through Window Service, B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2nd Floor, Rocky Hill CT 06067. Continued from January 9, 2008.**

Alan Bongiovanni: Good evening Madame Chairman, members of the Commission, staff, for the record my name is Alan Bongiovanni, President of the Bongiovanni Group here in Newington, representing the applicant, 26 Cedar Street Associates in a continuation of a public hearing. With me tonight is Attorney Peter Alter representing the applicant as well, and a representative from the development team, Peter D'Addeo. I apologize, our traffic engineer Mr. Baltramaitis couldn't be here this evening, he broke his leg. We will do our best to answer any questions that you might have.

At our last meeting I think that we covered the basics of the site plan. Why we believe this meets your regulations. There were some questions raised at the last meeting, and I have since had the opportunity to talk with the Planner about them regarding certain concerns that you had. First, the Town Planner had asked me to verify the vehicle radius, turning radius within the site. The site has been designed for a SU-30 vehicle, it's a straight box truck, that is typical of what delivers to this site. We went as far as looking at what a tractor trailer, although it shouldn't be allowed on

site, would do on the site, and with minor modifications, a couple foot enlargement around here, and a larger radius in this area, we could accommodate a WV-50 tractor trailer navigating the entire site.

Another topic of conversation, question that was raised, the cut through on the Berlin Turnpike, or the U-turn from southbound going north, it's location and proximity to the proposed drive and to where the Wendy's drive is. This base map is the Town of Newington's GIS, we just enlarged it and applied our site plan as it would fit to that location and this gives you I think a very clear picture of where we are in relationship to that cross through. I would like to remind the Commission that this is a state highway, this is regulated by the Department of Transportation, the location that we are proposing for a curb cut is a permitted curb cut at this time, and we believe, if they require any modification to our proposal, they will be the ones to do that. Mr. Baltramaitis' presentation touched upon the fact that the traffic light at Kitts Lane provided significant gaps in the traffic for these turning movements, so we feel that our proposal will be safe. Is it the perfect situation, probably not, but we feel it will meet the criteria of the Department of Transportation. We also feel that the U-turn movement from southbound, going to northbound would probably be an occasional trip as the vast majority of people who frequent doughnut shops such as this, it's by-pass traffic. There are several outlets on the other side of the highway that we feel, for the most part those people would stay on that side of the highway and that type of movement probably wouldn't be the norm, to access this site.

In regards to the comments by the Town Engineer, we met, my engineer met with staff, I met with staff, Mr. Meehan, the engineering staff. We went through the comments. I did receive today an additional list from the engineering staff. As I said earlier, I believe they are technical in nature. Some were a regurgitation from the original list that I think we had already addressed, but we will continue to work with the staff to address all those concerns.

One other comment that was brought up by the Planner, in the site design itself. We talked about the fact that we are going to take some 6500 cubic yards of top soil that is piled up on the site, this photo doesn't go large enough, up in this area, we are going to take it to fill up, halfway up the slope. Mr. Meehan had suggested that if we create, and what we are going to do, we have a rock base, we were going to taper it right up to the rock base, create about a five foot shelf at the top and put some plantings, some of the evergreens that we have at the bottom along that slope, which we think would be a good thing. It would heighten the amount of vegetation in the field, would do more to hide the rock that is there, and would also provide a shelf if in the freeze, thaw condition, if rock was to fall off the face, it would have a shelf to land on, rather than rolling down the bottom of the hill.

With that, I would like to turn it over to Mr. Alter to talk about the operation of the restaurant, the type of business that it is, some of their detail I have here and we go back to this plan here, and an enlarged floor plan from what was submitted earlier, to give you an idea of the layout of the restaurant itself.

Attorney Alter: Good evening, for the record, Peter Alter, I'm a lawyer, practice law in Glastonbury, representing the developer for this proposed project. We had a discussion at the last public hearing session with respect to whether or not this would be a facility where materials would be prepared and shipped to other like stores. The answer to that is unequivocally, no that the process for goods that are sold in this store, is that materials are brought in, in an uncooked condition, they are prepared for baking, but they are not baked, they are baked on the premises and sold on the premises. They are sold to customers for removal, one customer at a time from the site, but it is not designed for, nor would it serve as, what I think in the trade they refer to as a commissary type operation. I certainly am prepared to represent that as part of this presentation, that there is no intention that this site will act as a commissary to distribute prepared food to other like operations in the area. It's not designed that way, nor is it intended to function that way.

These facilities determine their hours based on their location and this is potentially an operation that would be open twenty-four a day to serve the public traveling on the Berlin Turnpike. These stores ordinarily want to reserve the right to do that, many times they will start out as not twenty-

four hour stores, and try it for a while depending on the level of business and then back down from those hours, but in fairness to the Commission, we want to let you know that that certainly is part of business operation plan potential for this site, that it potentially can be a twenty-four hour operation.

Mr. Baltramaitis, as Al said, suffered a skiing accident with his six year old. The six year old fell, and in trying to avoid him Rob got hurt, the six year old is fine, but he's not. He did revisit, because of the questions Commissioners raised regarding the traffic. We asked him to review that from the last time we were here, and he did write a letter which I want to present to you and then put in the record. It's addressed to Mr. Meehan, as the Planner. "Dear Mr. Meehan: Subsequent to our discussions with the Planning and Zoning Commission on January 9, 2008, I conducted additional observations of the traffic conditions along the Berlin Turnpike during peak a.m. and p.m. periods. The purpose of these observations was to analyze the ability of a southbound vehicle to enter the proposed site driveway via the existing median cross over. Even during times of heavy traffic flow along the Berlin Turnpike the traffic signals south of the site, at the Route 15 and Kitts Lane intersection creates enormous gaps in the northbound traffic stream. These gaps were measured to sometimes be in excess of fifteen seconds, and are depicted in the photos that are attached." The photos that we will submit are a timed photo. What Mr. Baltramaitis did was take a picture of traffic advancing up the northbound lanes of the Berlin Turnpike after the light had changed, and then one minute later, after, as he refers to it, a platoon of traffic had passed, a gap that is created by the Kitts Lane lighted intersection. "The location of the proposed right turn in and out only driveway just north of the Wendy's driveway minimizes the travel lanes for southbound vehicles to enter the site via the median crossover. Furthermore, this location eliminates the need to have a driveway with reverse curvature and forms a desirable ninety degree intersection within the site between the main drive aisle and the drive through egress lane." If I could just stop for a minute and try to explain that. In addition to being certain that this is as safe as it can be, we also need to be certain that the traffic within the site, for vehicles entering and exiting, is as safe and convenient as possible and we had looked at the possibility of moving this driveway further to the north. If we did that, as Mr. Baltramaitis refers to, we end up with a S-curved entrance and what that does on the internal circulation of the property is it changes a very safe condition where people exiting from the drive through lane have a nice ninety degree meeting with anybody exiting after they have been parked here, and that would change that dramatically and reduce the safe functioning of traffic on the site, and in his opinion, with no benefit to the safety off the site. "As describing the traffic impact study dated January 2, 2008 which is already part of the record, the accident experience at the median cross over was surprisingly low given the volumes along the Berlin Turnpike. I attribute the low occurrence of motor vehicle accidents to the excessive gaps in the traffic stream and the excellent sight lines available to the south. To conclude, it is my opinion that the proposed driveway location represents the safest and most efficient access to the property." If you have any questions, or require additional information, and then he offers his telephone number. So I would submit that for the record, that will be for the record, this is just an extra copy in case you want to look at it. So that our belief, based on our expert's recommendation is that we have presented to you a safe and efficient both on-site traffic operation and its intersection with the state highway. As Al indicated, this driveway location was already approved by the DOT in the earlier application that had been presented for a different development plan on the site.

I think the only other issue, Mr. Meehan was nice enough to summarize those for me again today, and certainly if I have missed one, I would be happy to talk about it, besides the ones that Al has already touched on, was the question of the on-site crushing of rock, and I believe that we filed an application in that regard which will be processed in due course and addressed by this Commission at the appropriate time. I think Mr. Meehan you got that?

Ed Meehan: It was received this afternoon.

Attorney Alter: Okay, so that is a matter that is not part of this application. Mr. Meehan, I would defer to you if there are other, if either Al or I haven't touched on, we are certainly happy to discuss anything else.

Ed Meehan: No, I think, that's what I left on your voice message, you hit the points that I think that the Commission wanted to hear, particularly about the traffic.

Attorney Alter: And we are happy to answer or have further discussions about that if the Commissioners would like. Thank you.

Chairman Hall: Does anybody have a question at this time?

Commissioner Schatz: On the traffic, you said if you move the building back, that would interfere with traffic coming in and with parking in front of the building. If you move the building back....

Attorney Alter: If we move the driveway to the north.....

Commissioner Schatz: It would interfere with traffic coming in.....

Attorney Alter: Internally on the site, because what we would have to do is have, instead of having a driveway alignment that is made up of right angles we would end up with a reverse.

Commissioner Schatz: What you are referring to, if you want to go over to Dunkin Donuts over in Wethersfield, that's what they did, and the traffic coming through that drive through window interferes with the traffic in front of the building.

Attorney Alter: You are talking about the one sort of north of here.

Commissioner Schatz: Yeah.

Attorney Alter: Yeah, I know exactly what you are saying.

Commissioner Schatz: It's a bear to get out of there.

Attorney Alter: Traffic engineers always say the same thing, people are used to dealing with right angles, and they understand an intersection where cars come together in that alignment. As soon as you ask drivers to do something different than that, it causes indecision and therefore problems.

Chairman Hall: Anyone else have a question?

Commissioner Pane: They are not traffic related, but I have a few concerns. At the top of the slope, top of the rock, not the top of the ground, but there is about a four to five foot area of dirt, is that dirt going to get sloped back?

Alan Bongiovanni: Part of the comments from engineering staff was to provide a little more detail in how we are going to treat this area here. About the top, you're right, about the top five feet is overburden. It will get peeled back probably to about a three to one, four to one slope so that it will be seeded, stabilized, allowed to grow and re-vegetate so that erosion will not occur.

Commissioner Pane: Okay, and then I would assume that the fencing is going to be moved back?

Alan Bongiovanni: The fencing will be moved from its current location to, within a few feet of the top of the slope so there is not an area for people to want to wander to the dangerous side of the fence.

Commissioner Pane: Okay, and the other question is, in the rear of this property there is some land for additional development, are you leaving access to this land?

Alan Bongiovanni: There will be, there is land to the rear portion of this property, just to recap, the total site is about 7.7 acres. The B-BT is 3.4 acres, the R-12 is about four, almost four and a half acres of land, it is vacant, it is proposed at this time to be left undeveloped. We have, will have probably a construction road that can access that, but we have no plans to create a navigatable access for vehicular traffic or anything like that. You know, a piece of construction equipment could navigate that hill but we have no proposal, nor intend at this time to do anything with that piece of land in the back. It's going to be open land as we see it today.

Attorney Alter: We are not subdividing it.

Alan Bongiovanni: Yeah, we are not doing any subdivision there.

Commissioner Pane: I understand you're not at this point, but I'm wondering whether or not anything is being left in planning for the possible use of it because it could be used down the road, so are we going to set-up the Tim Horton's property so that it can be used down the road, or you are not planning for it at all?

Alan Bongiovanni: We're not planning for it at this time, and I'll tell you why. Because it is a drive through, and we want to maintain a fairly level site, we're not making provisions for future development of this. That's not to say that somebody couldn't come in and excavate a large quantity of material, there is, you know, five or six acres of land up here, that could be accessed, but given the terrain of it, we're not making any provisions for it because most of it is in a different zone, and it wouldn't really make sense to, we have no provision to allow access through the B-BT to utilize the residential property, so we are not making any provision for that.

Commissioner Pane: Is there another access on the other side?

Alan Bongiovanni: No there is not.

Commissioner Pane: Okay, thank you very much.

Chairman Hall: Anyone else?

Commissioner Ganley: Yeah, I'm referring now to the minutes of the last meeting, page 12, it would be the second paragraph, Attorney Alter addressing the issue of dwellings of, this building being within three hundred feet of the dwellings up on the hill. While I was out staring at that median divider cut though again, I took note of the fact that the dwellings in question are up on a cliff. I think the purpose of the regulation, as I read through the thing again, it's rather stilted language, but I think it was to the issue of site pollution. That is, you would not want to see something you know, right close, so you have a three hundred foot buffer. As fate would have it, the, this is on a considerable down slope, so I personally don't know now if it would create a site pollution issue, that is, if you have to be on the top floor of the last foundation, you would have to be on the top floor of that building, to look down onto the roof provided that there were no bushes or shrubs in the way, so at least that clears that part of my concern up, only because of the lay of the land, not necessarily the three hundred feet.

Attorney Alter: If you measure, if you took one of those things that the police have to measure....

Commissioner Ganley: I couldn't go down the rock, couldn't rappel.

Chairman Hall: Anyone else?

Commissioner Pane: Madam Chairman, I think beside site pollution, that came up for noise for the drive through and for the pure fact that the Commission decided just to keep drive throughs three hundred feet away from residential housing.

Ed Meehan: Noise and smell and....

Commissioner Pane: Everything.

Ed Meehan: The guy ordering at the drive-up window at two o'clock in the morning.

Chairman Hall: Especially if it is twenty-four hours.

Commissioner Pane: So, do we fall in that or not?

Ed Meehan: It's a judgment call, it's a question of judgment call. Alan has put up the map showing at this time, the 300 feet appears to be met, because there are foundations at the south end of Toll Brothers site that haven't been poured yet.

Commissioner Pane: But they have been approved.

Ed Meehan: They've been approved, no building permits have been issued, but the site plan is approved, so that map actually represents what is there today. The darker gray is the existing foundations, and then to the left, south, the cluster of four buildings haven't been built yet.

Commissioner Pane: And they have every intention of building them.

Ed Meehan: Yes they do, well, I believe they do.

Commissioner Pane: And they were approved for that.

Ed Meehan: They were approved for that.

Commissioner Pane: Okay, thank you.

Chairman Hall: Anyone else? I have a couple of questions. At the last presentation, you were talking about the water line. Can you go through that again, a couple of our members were not here last week, so.....

Alan Bongiovanni: It's shown here in blue. When Pine Hill, Judge Lane, off of Back Lane, Harold Drive were developed a water main was extended in the full MDC right of way into the subject property, the residential part of the property. We feel that it is probably going to be easier to put an inch, inch and a half water line five foot underground to access, to serve this building cross country, excavate a small trench, backfill it and leave it, as opposed to providing service from the other side of the Berlin Turnpike. I know at our staff meeting, we looked at where the hydrants and everything else is, and the water main is somewhere south of this site. The Wendy's, when that was constructed, the water was jacked under, waterline service was jacked under the

highway to service that building. Although it could be done financially, it may be insurmountable, that's why we feel that this is our best route to service it for water.

Chairman Hall: And what is that terrain? Is that rock?

Alan Bongiovanni: We believe it is similar, when this was constructed, there was five to six feet, I looked at the profile, five to six feet minimum of overburden. That's what we have all in this area. We believe that we will have that cover all the way down. If there is a knob in the way, they would put a jackhammer on the excavator as opposed to blasting that trench, because it's only a one inch, inch and a half line.

Chairman Hall: Okay. Which leads to another question. How much more blasting do you anticipate at this site, and....

Alan Bongiovanni: We've taken the worst case scenario and one of the engineers comments was to provide us with quantities, we create colored cut and fill grids to show where the material is coming from and where it goes to on the site, and we will provide that to staff. We've got an area here, if you look at the site today in the field, it's a stone ramp that accesses the upland part of the site. This is the area where we need to lower it, if we took the worst case scenario, it's about 3800 cubic yards, that's what would need to be blasted. I'm going to guess, based on my limited experience, maybe be done within a week, two week period of time. We know it's something less than that, because part of the overburden on that has already been blasted, we don't know how deep it is, but we anticipate worse case scenario, we could have 3800 cubic yards of rock to be blasted. It's all intended to be left on site though. We don't propose to remove material from the site. The way the grading has been designed, we have a shortage, we believe with the swell when you blast solid rock, it grows, when we factor that in at about a fifty percent rate, and then the concrete and the bituminous pavement, things like that, we will roughly have a balanced site, will probably import top soil.

Chairman Hall: And that is what we will be hearing from with the second petition.

Ed Meehan: That's the second petition, yes.

Chairman Hall: The last time I also questioned, we have heard a lot about the doughnuts, but also have heard ads on the radio since this petition, seems to me that Tim Horton's is doing a lot of advertising, something about fried fish, and whatever, so what other types of food will you have beside the doughnuts.

Attorney Adler: Well, currently Tim Horton's, but not just Tim Horton's, but all of these coffee shop facilities offer limited other items to eat, for instance the Tim Horton's in Wethersfield has a limited menu of soup and sandwiches at lunch time and have muffins. I know that they offer light, what you would call light meals, soup and sandwich type meals, they don't offer sit down service with meals. It's still a traditional coffee shop type service.

Chairman Hall: But it could be fried fish?

Attorney Alter: I had heard that...well, it could be, I guess it could be, the ad that I heard was for hash browns. I didn't hear the fish.

Chairman Hall: Which leads to the next question, because there will be residences near them, what type of filters will you have to minimize the smells? We had a heck of a time when we had the doughnut shop near residences because of the smell and whatever, so what safeguards are there for this?

Attorney Adler: There is, I'll speak to this I guess, although I'm certainly no expert. The best management practice for the operation of this kind of facility requires a level of filters and mechanical devices that are designed to remove smells and trap grease from leaving the site, because not only on the interior they don't want those smells, but they certainly don't want them on the exterior. So the kitchen is designed to address that through its filter and its scrubbing system that they install. I can certainly provide staff with more technical specifications as to how they do that, but these facilities are designed with the best mechanical equipment that is available because it lasts the longest and requires the least maintenance, so and then they are required under, all of the franchise agreements for this type of facility require regular maintenance, maintenance contract with HVAC contractors and also a mechanical contractor for the filter, those are standard requirements. When you have this type of operation the company that oversees all of them wants service standards maintained. So they impose that on whoever is running the facility.

Chairman Hall: Okay, thank you. Does that lead to any other question that somebody else might have had?

Ed Meehan: I just wanted to add, on the water line, I checked with the Fire Marshal, Fire Chief today, there's a gap, the department is concerned about that gap, but not to the point where they would require an extension of a water hydrant to serve this one building. They would like to work with MDC in the future and get one or two hydrants between this location and south down to Kitts Lane. Right now he doesn't even think this building would have to be sprinklered. It's only about 2800 square feet, I think. He is satisfied with the service coming in there.

Chairman Hall: Well, if everybody at the table has asked their questions, is there anyone from the public wishing to speak in favor of this petition?

Newell Stamm, 102 Halloran Drive: I am in favor of this application to get this eyesore off the map and landscape it and make it good for the eyesight. I look at it and it's hard to visualize but if you push the dirt around and put top soil on the site, just an inch or so, the trees will be able to grow. The water line, up on the top there, will have more water pressure than the lower line. The water tank there, that's where that water comes from. The theater before had a pump to bring up the pressure so the toilets would work. So that is a good thing that we put that water line in there, we put it in there under the supervision of the Metropolitan District and that is why that is there.

Chairman Hall: Thank you. Any one else wishing to, Mr. Stamm, a little bird has told me that we really should be singing Happy Birthday to you today.

Newell Stamm: Yeah, I've got indigestion.

Chairman Hall: Congratulations. Anyone else wishing to speak in favor of the petition. Anyone wishing to speak against it? That's good, that's a gift. Anyone wishing to speak. At this time, we're all set, I guess, everybody in favor of closing it at this time? I think we have heard everything we are going to hear on this one. So consider this petition closed, Petition 54-07 closed.

Attorney Alter: Thank you very much.

Chairman Hall: Thank you.

B. PETITION 56-07 16 Fenn Road and 712 Cedar Street, owned by Fenn Road Associates, LLC and 22 Fenn Road, Stop and Shop Plaza owned by Hayes-Kaufman Newington Associates, LLC, 1481 Pleasant Valley Road, Manchester, CT 06042 and Fenn Road Associates, LLC, applicants represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for zone map amendment, I Industrial to PD Planned Development Zone. Continued from January 9, 2008.

Ed Meehan: I have a letter from Attorney Jacobs requesting the Commission to continue this until your February 13th, meeting. The development team is working on site plan issues and meeting with the Department of Transportation on traffic issues as far as Fenn Road, so they would like to hold it open until they have more information to share with you. That is for both petitions.

Chairman Hall: 56 and 57.

Ed Meehan: Correct. And the two other petitions under New Business, 58 and 61.

Chairman Hall: Do we have to read those?

Ed Meehan: It's up to you. As long as the record understands that those are the ones that are continued.

Chairman Hall: All right, as long as we know that it is Petition 56-07, 57-07, 58-07 and 61-07 will be continued until February 13th at the request of petitioner.

C. PETITION 57-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for Special Exception Section 3.19.1 and 3.15.4 Restaurant with Drive Through Window Service, PD Zone District (Proposed.)

Continued to February 13, 2008.

D. PETITION 60-07 78 Pane Road, Newington Knights of Columbus Corporation, Louis P. Riccelli, President, 4 Grandview Drive Newington CT 06111 applicant, John Melonopoulos owner, request for fraternal organization Section 3.10 D and Special Permit Section 6.6 Liquor Use Club license, PD Zone District.

Chairman Hall: Is the petitioner here? If you would come forward please, state your name and address for the record.

Louis Calipano, 81 Woodland Street, Newington: I'm a member of the Board of Directors of the Knights of Columbus. I have a brief description of what we propose to do at the site, 78 Pane Road. It's going to be for the Knights of Columbus Council 3884 for monthly meetings for the board of directors which will be held there. The regular scheduled meetings are going to be the first Thursday of the month, beginning at 7:00 p.m. The council meetings are convened monthly on the third Thursday of the month. There are approximately 25 members that attend this meeting. On the fourth Thursday of the month there is the Fourth Degree meetings which start at 7:30 and there are approximately the same amount of members, maybe a little less, at that meeting. Other than the meetings, the home will open for socializing for any of our members or guests during the course of the day or evening. There are thirty-six spaces available in the parking lot. Since our proposed operating hours are generally conducted in the evening, there is

no problem or inconvenience with the other existing business operations. The Dance Academy is the only business open during the evenings, and only a few parking spaces are required for the students that attend the classes on an hourly scheduled basis that consist of four to nine students. In most cases, the parents mostly drop their children off and then pick them up when class is completed. That about sums up what we would like to use the space for. If there are questions, I will try to answer.

Commissioner Pane: Are there going to be any events going on there? Like at the, parties.....

Louis Calipano: No, it's not big enough, it's only 2000 square feet. I mean, it's just basically, we want a place to have a meeting, and there will be a bar there and so on.

Commissioner Niro: I've got a question. It's not going to be a bar like the old one?

Louis Calipano: Oh no. It's going to be all one straight thing. We are going to have our meetings, well we will have to have them in the bar area obviously, the bar will be shut down while we have our meetings.

Commissioner Niro: But you're not open during the day or nothing?

Louis Calipano: No, we'll open up pretty much the same hours, probably five o'clock till ten or whatever and probably close, we don't know what our regular hours are going to be until we get in there really.

Chairman Hall: Any other questions? Now that will be every day of the week, or it seems to me that I saw something, Thursday, Friday, Saturday, Sunday....

Louis Calipano: Well, we will be open pretty much, well, Sunday we usually close and also Monday's we used to be closed and then we opened up for Monday Night Football at the old facility, but I don't think we are going to be able to do that with the size of the building.

Chairman Hall: So it is pretty much a meeting hall.

Louis Calipano: Yeah, that's right.

Chairman Hall: A little bit of a social hall, mostly meeting hall. Ed, can I assume that this is the whole building, 11,000?

Ed Meehan: Yes. That's the field card.

Chairman Hall: Okay, because you said two thousand, each unit is about two thousand, right?

Louis Calipano: Right, yes.

Chairman Hall: There are four in there, maybe a little bit more. Any other questions?

Ed Meehan: The purpose of the application is for a liquor permit for a club use. There are no other club liquor permits in this five hundred foot radius. The only liquor permit actually in the area is for the Olympia Diner which is a restaurant permit. So there is no overlapping of permits for this type of liquor use, and there are no proposed changes to the site plan. They will use the site as is.

Commissioner Fox: I just wanted to say that I think all of us were kind of sad to see the North Mountain Road facility close because I think every one of us here have availed ourselves of the hall upstairs for one thing or another, it's good to see that the Knights are still active in their own right and be good to see you over there.

Commissioner Ganley: Relative to the parking on the site, there is ample precedent toward dual use parking on the very site, actually as my recollection, and I think we dealt with the roasted and toasted café, we did some dual use parking.

Ed Meehan: Shared use, different operating hours, so there was no conflict.

Chairman Hall: That it, any other questions? Staff?

Ed Meehan: I just wanted to get that into the record, they are here for a liquor permit, but the questions about the site are appropriate because of the club nature.

Chairman Hall: Anybody from the public wishing to speak in favor of this petition? Anyone from the public wishing to speak against it? Anyone wishing to speak. This seems pretty cut and dried. I don't think we are going to get much out of this one either. Everyone in agreement that we can just move this one along. Close it? All right, Petition 60-07 will also be closed out this evening.

E. PETITION 62-07 – 129 Willard Avenue, Gibbs Oil Company, 6 Kimball Lane, Lynnfield, MA 01940 owner and applicant, represented by Attorney Eric Knapp, 148 Eastern Boulevard, Glastonbury, CT 06033 request for Special Exception Section 6.2.4 pylon sign, B Zone District.

Attorney Knapp: Good evening, Attorney Erik Knapp for the applicant and with me tonight is Alan McCalley, an engineer with (inaudible) Engineering. As you may recall we were here last year for the actual gas station operation itself, you did approve the site plan for the gas station and store use last year. At that time, we did not have our sign permit in order. Since that time, we have designed the sign for the site, we are back here for a special permit for the signage. I just want to make one thing clear when we are starting here, the pylon sign, this block here that is on the street is not going to be changing. It is in a location where we would not be able to take it down and replace it, because it is non-conforming in its usage, therefore it is not being touched. I'm going to have Al McCalley go over this in detail of what we are doing. Essentially what we are doing is, we are putting the sign on the building that says Food Mart, the remaining signs are going to be the canopy sign, or the overhead part of the gas station, for the gas dispensary and then the other signage is actually going to be on the pumps themselves. When you consider how much is being taken away from the car wash, the existing signs versus what is being added, there is a net reduction of about 100 square feet or so of signage. So while this is a new special permit, the net effect here should be a reduction in the visual impact for the neighborhood, and Al, if you want to talk about what this is going to look like, that would certainly be great.

Al McCalley: Good evening again, Al McCalley of UBE Engineering. I think, well I don't know who is familiar with the project anymore because I guess the board changed a little bit since we were last here. Eric kind of spelled it out pretty clearly, as to what we are trying to do, but I would like to take these sign proposals kind of in steps, just so it keeps everything clear. First of all, as Eric mentioned, we have an existing free standing sign, there are no plans to touch that at this time, it's just going to remain in the same location. It has been re-imaged to a Phillips 66, as you may recall, maybe we came in as a Gibbs location, the sign was refaced not too long ago to the Phillips 66 brand, which is the brand that we would be showing on site. There are four dispensers on site now, gasoline dispensers and you will see on the chart we have a dispenser

valance and a dispenser skirt. Those are actually basically the color on the dispensers themselves and I try to be conservative and show everything that I possibly can as far as signage is concerned, those dispensers when we re-build the site, probably will be replaced. They have been re-imaged since the last time they were Gibbs, so in my sign chart down below you will see I have dispenser valance sign and dispenser skirt sign. Those actually exist today, but in case we actually replace those dispensers we have it in our proposed sign chart. So you have the ID sign, we have the signage that is going to be on the dispensers themselves, which exists today. We then have the canopy itself and the canopy has one sign on it. It's a small little Phillips 66 sign on the front face of the canopy. We're proposing to remove that as part of the demolition of the whole project and we are proposing two Phillips 66 signs, one on each end of the canopy. So as you are driving down the street, you will have a Phillips 66 sign logo on each side of the canopy. Those three foot six by three foot six, that's roughly, I going to say twelve square feet, so there is a total of about twenty-four square feet there. On the car wash that is there today there is about a hundred square feet of signage, car wash, menu's, standing menu's, all that car wash signage is coming off. What we are proposing to do is put a Food Mart sign, a two by ten Food Mart panel on the front of the building. There is also a deli-mart sign on the Food Mart which is coming down, so basically we are taking down six wall signs, and we're putting one wall sign back. We're taking down one canopy sign, and we're putting two canopy signs back. You will end up having a building sign, two canopy signs, the ID sign the way it is, and the dispenser image the way that exists today, whether it be the existing dispensers or the new dispensers. As Eric indicated, it nets out, and the chart is a little confusing, but probably about a hundred square feet of signage less than we have today.

Eric Knapp: What is going to be eliminated and what is not going to be eliminated.

Al McCalley: All the signs on the car wash are going to be eliminated. Actually, everything that I have listed here in yellow is being eliminated.

Eric Knapp: Illuminated.

Al McCalley: Oh, illuminated, I'm sorry. The ID sign is illuminated, the logo signs on the canopy are illuminated, the Food Mart sign on the front of the building is illuminated, the dispenser sign graphics are not illuminated. I would be happy to answer any questions. It's fairly straightforward.

Commissioner Pane: I know this is just a sign, but the car wash is getting eliminated? Is there anything going in its place or.....

Al McCalley: No, the project as part, I guess the previous approval is to demolish the car wash, go to the Food Mart building, canopy and islands, replace everything with a new Food Mart, a new Food Mart building with a new canopy.....

Commissioner Pane: So it will be a larger building.

Al McCalley: Exactly, with a new canopy and islands being constructed.

Commissioner Pane: I see, thank you.

Chairman Hall: What is the orientation of this? Where is Willard Avenue?

Al McCalley: Willard Avenue is right out in the front.

Chairman Hall: It's north to south.

Al McCalley: Exactly. The four dispensers line up perpendicular to Willard and the signage would go so that you saw it coming down, you would see the two Phillips 66, this is the face that you would actually see. They are typically justified so the logo is towards the street.

Chairman Hall: Anyone else?

Ed Meehan: Much improved, the whole redevelopment has been going in the right direction as far as staff is concerned because Domenic asked the question, but if you remember the whole site is basically being leveled down to the ground and rebuilt from the ground up, so better building orientations, safer movement around the pumps, able to provide buffers to the condos to the west and the single family house to the north side, much better buffer, and the signage is substantially reduced. We don't normally count the decals as signage on the dispensers. If you take those out of the equation you really are just adding about forty-five square feet of signage.

Al McCalley: Right, and to confuse, we included it up here and didn't include it down here, so just a.....

Ed Meehan: So I think it is going to help clean up the site, and upgrade it.

Chairman Hall: The whole corner when it is done is going to be nice. Anyone else, all set? Anyone from the public wishing to speak in favor of this petition? Anyone wishing to speak against it? Anyone wishing to speak? There is no problem in closing this one out too? Everyone is fine on that, no questions? We will close this one as well.

III. PUBLIC PARTICIPATION (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

IV. MINUTES

January 9, 2008

Commissioner Fox moved to accept the minutes of the January 9, 2008 meeting. The motion was seconded by Commissioner Pruett.

Commissioner Camerota: I just wanted to note, the front cover has the correct date, but all of the subsequent pages have January 8th instead of the 9th.

The minutes were accepted with the change of date.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: I have a staff report that I would like to defer to the end of the meeting so that you can go on with your other business, and my staff report is regarding accessory apartments, it will probably take a little bit longer, so we can do it later.

VI. NEW BUSINESS

- A. **PETITION 55-07 - Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for site plan approval for 2,285 sq. ft. restaurant use, B-BT Zone District, represented by Peter D'Addeo, 154 New Britain Avenue, 2nd Floor, Rocky Hill, CT 06067. Continued from January 9, 2008.**

Attorney Alter: With respect to this part of our application, it seems to me that the major issues were raised under the public hearing portion of our presentation. We are certainly available to go back over any issues that the site plan approval presents, but I think they are the same issues that we've already been through. We would be happy to do it again, if you would like to hear it.

Ed Meehan: I have a couple of things. The comments that I have, and I don't want to be repetitious, but we did talk in our staff meeting, and I talked with Mr. Bongiovanni today and it was mentioned, working with the applicant when this site is filled, the material being pushed from the top down below, we want to make sure that the area left on top is going to be loamed and seeded, so we don't have erosion up there as was mentioned. We did ask for some sort of a shelf so if material comes off the top of the cliff, there will be exposed rock face, and that shelf would provide an area so that there could be some plantings. I would suggest that some of the plantings along the drive through, around the back of the building which really aren't very visible, or have much utility back there be moved up to the area of the shelf so it will serve as stabilization for the slope. It may also reduce the severity of the rock face, and over time will begin to fill in and help that area out. I've already talked about the water line service, which, I think that's the only practical access coming down slope from Harold. I would recommend anything in the buffer area that is disturbed that the buffer area at least be replanted, because those people do enjoy a fairly substantial natural buffer area up there, and the other comments are basically technical comments that the engineering staff and I have talked about with Mr. Bongiovanni, cleaning up the plans and getting them in order. We did exchange e-mails with the Department of Transportation, we probably will recommend and I think they will support the idea of a raised concrete island, I call it a wish-bone island coming in, the District will look at that when the encroachment permit is again reviewed. We recommend that so that cars coming in don't go over the center line of that driveway, interfere with vehicles coming out, and I do support the idea of a ninety degree angle, it's just better for drivers having eye contact with cars coming in and knowing when to stop and when to take a right turn, you get anything beyond ninety degrees, you get, as Bob mentioned, drivers have to turn their heads and it's very awkward, so I think the way that this is laid out at the driveway coming around from the drive through T'ing up and then taking a right turn out is the best way to do this. That's all I have to offer.

Attorney Alter: Just to be clear, we fully agree with the suggestions regarding the vegetation at the top as well as establishing the ledge there, a good suggestion that we will incorporate into the plans.

Chairman Hall: Any other comment, question, discussion?

Commissioner Pruet: Who has the ownership of that fence on the top? Is that Mr. Stamm or is that.....

Attorney Alter: Yes.

Commissioner Pruet: Okay.

Attorney Alter: His property goes back....

Commissioner Pruett: Right. I'm just curious where the line really ended.

Commissioner Pane: The architecture of it is going to be similar to the one that is on the Silas Deane?

Attorney Alter: We do have a rendering of that. It's a relatively small building, only about 2800 square feet. It has pretty low profile in terms of the way that it presents itself. It's part of the style of the site.

Commissioner Pane: Is the color going to be the same as the one that is on the Silas Deane?

Attorney Alter: It traditionally is a yellow.

Commissioner Pane: Because this is a little more yellow on the drawings....

Attorney Alter: I think that's just the way it prints out.

Commissioner Pane: Okay. No problem. Very nice.

Chairman Hall: So if there are no other questions.....

Ed Meehan: The issue of this land up on the top was mentioned, that is in a residential zone and doesn't, won't have frontage, won't have access so it's basically, it will be almost non-usable for any development.

Chairman Hall: But isn't there another whole section on the lower part that is also R-12? I mean the whole top is R-12, but isn't the part on the bottom?

Ed Meehan: No, just the upper part.

Chairman Hall: All right.

Ed Meehan: And without good grade access, which doesn't sound like its going to be available, I think it's just not going to be used.

Chairman Hall: It will be a nice buffer between....

Ed Meehan: A buffer between the residences on Harold and also the adjacent, some of the adjacent units in Newington Ridge, Toll Brothers property.

Commissioner Pane: Nothing says that they can't leave the option, if I'm not mistaken, Alan, they are leaving an option that down the road they could end up redesigning the parking lot and getting access up to that land and using it, or are we killing the use of the land altogether?

Alan Bongiovanni: We are not proposing any encumbrance, on the back....

Attorney Alter: We are proposing any restriction that would prevent development, the economics of you know, carrying development forward and the process that would be required, there would have to be a pretty dramatic change in market conditions and a demand for that kind of service.

Ed Meehan: Under present zoning they couldn't develop that for single family homes unless they had an approved public road, which created lot frontages.

Commissioner Pane: Could be a private road, no?

Ed Meehan: No. They can't do multi-family because they haven't got ten acres. They would need a special exception in the R-12 zone to do multi-family, so under the current regulations it's pretty well sewed up to stay as it is. I know that at one time there was some discussion with people interested in the Hartford Drive-In site to pick up some of that, Mr. Stamm was going to do something there, it didn't work out.

Attorney Alter: Thank you very much.

- B. PETITION 58-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for site plan development of mixed commercial uses, 15,000 sq. ft. retail, 124 room hotel, 1,600 sq. ft. restaurant and 3,600 sq. ft. bank, PD District (Proposed.) Continued from January 9, 2008**

Continued to February 13, 2008

- C. PETITION 61-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for site plan approval for development of 124 room hotel, PD District. (Proposed.) Continued from January 9, 2008.**

Continued to February 13, 2008

VII. OLD BUSINESS

- A. PETITION 52-07 – 190 Fenn Road, Spin Cycle Café Laundromat, Laury Rosario applicant, Umberto Manocchio, owner, request for Special Exception, Liquor Restaurant Use, Section 6.6 Public Hearing closed December 12, 2007. Sixty five day decision period ends February 15, 2008.**

Commissioner Niro moved that Petition 52-07 – 190 Fenn Road, Spin Cycle Café Laundromat, Laury Rosario applicant, Umberto Manocchio, owner, request for Special Exception, Liquor Restaurant Use, Section 6.6 Public Hearing closed December 12, 2007. Sixty five day decision period ends February 15, 2008, be postponed to February 13, 2008.

The motion was seconded by Commissioner Pruett.

Chairman Hall: Discussion?

Commissioner Pane: Chairman Hall, could we get an update, this was postponed last meeting..

Chairman Hall: Right.

Commissioner Pane: Are we waiting for something special?

Ed Meehan: That is the letter that the Commission asked the petitioners to provide, if they could get something from their neighbor, if they couldn't get a formal legal easement, could they provide some sort of a letter, and that is what was produced for the Commission.

Commissioner Pane: Yes, so why are we postponing it?

Chairman Hall: We've really had no discussion on it.

Ed Meehan: It wasn't discussed at the last meeting and I think, you know the Town Attorneys always advise Commissions, any time there is an application, if the Commission hasn't had a chance to talk about it thoroughly, is to at least share among yourselves the pros and cons of this application. You have time, you can vote at the next meeting, you are still within the time limit and to see where the Commission members might be going with this application.

Chairman Hall: We can discuss that now.

Ed Meehan: You can discuss it now because you have a motion on the floor.

Chairman Hall: Right, we have a motion on the floor, a second and I'm opening the table for discussion.

Commissioner Fox: Before we discuss it, I'd like to make a point of order. No offense, but I don't think Frank has been seated so I don't think he can make a motion, can he?

Chairman Hall: Oh, right.

Commissioner Camerota moved that Petition 52-07 – 190 Fenn Road, Spin Cycle Café Laundromat, Laury Rosario applicant, Umberto Manocchio owner, request for Special Exception, Liquor Restaurant Use, Section 6.6 Public hearing closed December 12, 2007 Sixty five day decision period ends February 15, 2008, be postponed to February 13, 2008.

The motion was seconded by Commissioner Pruett.

Chairman Hall: I'll open the floor to discussion. We have a motion and a second, now we will discuss.

Commissioner Pruett: Unless something really comes in from the applicant stating that they have permission from the owner, and even then I'd still be leery for a use for full liquor permit for a facility with only seventeen parking spaces, plus we have a, don't we have a area in the front too, Ed on that property where they have an easement with the town or.....

Ed Meehan: The parking is in the town right of way of Fenn Road, so an easement was granted to Mr. Manocchio when he got approval for that building, so all of the parking is in the town right of way.

Commissioner Pruett: I have a concern with that, unless that is really resolved, the i's dotted and the t's crossed, I mean, a letter like we have seen before is not sufficient for me.

Commissioner Fox: I have to agree with David, if they, Ed, am I to assume that they are waiting on an agreement, a written agreement, an easement on that storage property?

Ed Meehan: This is their attempt to gain permission to use the adjacent property, I think that the way that it ends here is that, this is from the property manager, Mr. Grant, anything beyond this he would have to take up to his corporate people who would make that decision and as far as I know, they haven't moved to pursue that.

Commissioner Fox: It was a very nice presentation by Ms. Rosario and it is a very, shall I say, unique concept but I really number one, don't like the idea of the limited parking, the easement on the town's right of way, and you've got alcohol, you've got kids sitting there playing with the arcades, I really don't think the liquor permit would be the proper thing for this, unless certain things were, you know, they had some other ideas, but evidentially it is all wide open, and I really don't like it.

Commissioner Pruett: Also I think in that letter, that cover letter it is stated that he would give permission for special events, you know, if you have a full liquor permit you have, you could have a special event almost every single night. So I think that is a concern.

Commissioner Niro: What's it going to like, a full bar?

Chairman Hall: That is what they had proposed. He wanted a full bar, first it was wine and beer, and then it evolved into a full liquor license .

Commissioner Niro: Like it's going to be open at night for a bar?

Commissioner Pane: It's an accessory use.

Chairman Hall: Right. Any time that the Laundromat is going to be open....

Commissioner Pane: You want to do your laundry, you can have a cold one, watch a little football on the TV.

Commissioner Niro: But not a bar.

Chairman Hall: It could evolve into that.

Commissioner Pane: Would you go to a Laundromat just to drink?

Commissioner Niro: I don't know, I don't know what the guy, that's the question that I'm asking.

Commissioner Pane: I guess that you could, but.....I don't think I would go into a Laundromat just to drink.

Commissioner Niro: I don't know what their intentions are, this is the first, you know.....

Commissioner Correll: I went over there, spent about twenty minutes with the lady, and to answer your question Frank, I would say yes, there will be a bar there. There is a bar set up and the chairs, so I would assume that there is going to be a bar.

Commissioner Fox: You know, in response to Domenic's statement, yeah I think they will be enticing people to go down there just to have a drink, listen to a band, whether or not they are doing laundry.

Commissioner Pane: You could also approve this with conditions such as no bands or whatever, events. You want to have an accessory use of the liquor, for when people come in to do their laundry, no problem, I think that everybody is losing sight that this is just a Laundromat and they are trying to offer a convenience to their customers. This is similar to 72 Pane Road property where there are thirty-six parking spaces other there and you are ready to possibly give a full license, bar license over there. So I mean, depending on hours of operation and everything, you could have a problem over there, and there's a children's day care type, not day care, dancing

studio right next door to it. You've got some similarities, and I would just say that the Commission should try to be consistent and try not to lose focus that their main business is the Laundromat.

Commissioner Fox: Your points are well taken Dom, but one of the differences between the Knights of Columbus and the Laundromat, the Knight of Columbus is asking for a club permit. A club permit is just that. It's open to their members, if they want to bring guests in they have to be signed in, just like they did at the Knights of Columbus over there, just like they do at the Polish American Club, and at the VFW, and any organization like that. So, outside, shall I say, outside guests are kind of at a minimum and the way that Ms. Rosario presented it, the bar and access to alcohol goes along with the special events, and this is, aside from the parking, this is one of my main rubs. They are going to have bands there, that's why they want to put in a bar, they want to have bands and small concerts in addition to the Laundromat and the arcade, and the little vending area.

Commissioner Schatz: In all respect to Commissioner Pane, I think that we're talking about apples and oranges, okay? We have a Laundromat that wants a bar, we have college students across the road, I personally think that liquor and laundry and a snack bar really doesn't go together from the fact that if families go in there with youngsters, you know, I've thought about this since the first hearing on it, and I would not favor it, personally. That's me.

Commissioner Pane: If you are concerned about the families going in there, we'll have to shut down Hops, TGIFridays, Applebees and every other restaurant that is on the Berlin Turnpike because there are families going into those places right next to the bars. We've got a serious problem.

Commissioner Schatz: Well, I'm not.....

Commissioner Pane: I just wanted to make that a fact, that there's always going to be families next to a bar.

Commissioner Schatz: I realize that.

Commissioner Correll: I go along with Bob, the thing, yes I do agree with you Dom, there are children in restaurants all over, but you don't take children into Laundromats that serve liquor, I mean, a normal person would not, and you are going to have people going in there with kids, that don't even know that they have liquor. Granted, after the first time they probably wouldn't want to go back there, but I mean, as long as you have children, they are subject to it, I definitely can't see approving it.

Chairman Hall: Anyone else? Let me tell you my concerns on it. I did spend some time over there. First of all, it's a very small space, about half, or a little bit more than half taken up with these big machines which appears to be the focus of the business. It's called Spin Cycle Laundry, so if you are going in there to do your laundry, that's all well and good, the idea that they had a little café, was nice, while you are waiting for your laundry to be taken care of, maybe get a soda, something to drink, whatever, if you do bring a child they do have some games set up for them, the arcade games, but to bring liquor into that position opens it up to a whole different venue. One of my main concerns is when you go out into the parking lot, if they are going to use next door, there is a jersey barrier and the second parking lot is elevated from the first parking lot. There is absolutely no provision at this point for safe access from the lower parking lot to the higher, or vice versa. So if somebody is out there, it's cold, it's icy, they've had a few beers, what's the liability. This letter that we have from United Storage simply gives permission on one level to park, that's all it does. It doesn't say anything about what happens if there is a claim, if there is any kind of liability, it also seems from the letter if we ask for something more detailed or

more coverage of any kind, he still has to go back to his corporate office. So that to me it's an idea that this shop owner had to maybe help increase business which I can fully understand, but I think we need to look at it as, is that a good place, or a good combination of things to create this business, and the parking in particular. I don't want to see them walking out onto the street, to come back in to the lower driveway. The students, if they get in the habit of coming over to do the laundry which is fine, and all of a sudden they find out that they can also have a few beers or whatever, who is going to regulate it. Again, you get the kids coming in and out, they may be walking across, and I just find that adding that element is a little risky even for us, because we do still have the parking problem ourselves in the front of that building. This building from day one has been a bit of a strange set up because it is so small and they really fit as much as they could onto the site....

Commissioner Pane: The town doesn't have any liability for the parking in the front with cross easements.

Chairman Hall: But if somebody falls, who is going to be responsible?

Commissioner Pane: Not the town, if they fall in the existing parking lot even though there are cross easements there, the town is not liable.

Ed Meehan: Well, they have executed an easement and a hold harmless agreement but.....

Chairman Hall: We could still be sued.

Ed Meehan: They could sue us, but I don't know how they would survive that.

Commissioner Camerota: Those hold harmless agreements are not construed always to the benefit of the person who they are supposed to protect.

Chairman Hall: I just find that if it is a Laundromat, fine, but to add the liquor into it I think is going to create some problems that we might be able to foresee at this point, and I think if we approve it and something does go wrong.....

Commissioner Pane: I have no problem with that, and it's a judgment call whether you want that type of combination, but I wouldn't use the excuses that there could possibly be kids there because it doesn't fly when there is restaurants with children, so it's a matter of whether or not also they are looking to get too much of it, compared to just an accessory.

Chairman Hall: I think for the square footage too, because liquor by itself seems to attract more people than just a regular luncheonette type operation.

Commissioner Niro: That's why I asked is there going to be a bar. I just can't see it big enough.

Commissioner Pruett: Well, that's what they are asking for.

Commissioner Niro: Well, you put a band in there, where are you going to put the rest of the people?

Chairman Hall: Well, once we give the permit we really have no way of saying, well, you can only have twenty people in here, I mean, the State Liquor Commission may, by square footage, and that's the other thing, they have come to us, and they have not contacted the State Liquor Commission yet. The State Liquor Commission may take a look at this and say what are you, crazy? So, we don't even know that.

Commissioner Fox: Especially if they're going to have entertainment. That's part of the permit.

Chairman Hall: Right, the Fire Marshal.....

Commissioner Niro: They can still have entertainment now, can't they?

Commissioner Camerota: Well, they do, they have events playing every night of the week.

Commissioner Fox: They do have bands playing, so when they applied for a full liquor permit, I suggested a restaurant permit, you know which is beer and wine which is kind of more limited, and then see what happens then, but they are applying for a full permit. To get back to Domenic's point, differences between Hops and the Outback and this place, it's really huge. You go into a place like Hops, Outback, you have a certain area for the bar, and those are huge bars, and then you have a restaurant area where you take the kids and you eat. Here you are going to have the kids playing the arcade games, we don't even know where the bar is going to be, is it going to be farther, because I asked, I think we asked that, during the hearing, and it seems to me that they are going to be right there. If they get tired of playing the arcade games, hey Daddy, let's go, the laundry is done, I'm finished, they will be running back and forth, another thing to worry about.

Commissioner Pane: I don't want to harp on it, but they are very similar because you have tables right next to the bar over at Hops and the other TGIFridays and so on, and if you have children at the table, you go in there and you decide to have a drink, you can have a drink, and it's the responsibility of the adults at the table to make sure that the child is not drinking, and it would be similar at any place of business that serves liquor.

Chairman Hall: I agree with that, it's just when you see a restaurant you expect a restaurant situation, when something is called Spin Cycle Laundry, do you go in there expecting liquor. I think that's our dilemma, what is this, is it a laundry, is it a bar.

Commissioner Camerota: I think the difference between the two is that you know, there is that Blue Turtle in Buckland Mall and its got an arcade and its got a bar so like parents can go in, have dinner and have a drink and then there is an arcade setting. That is completely different than this, that's a Laundromat, and you're not really going to expect, and they have a few games, it's a really great idea, but I think when you add liquor into that, and it's a small area, it makes it, I remember when that building was being built and I was like, what are they going to put there.

Chairman Hall: Well, it took a long time to be occupied, because of that.

Commissioner Camerota: Right, I remember that. I just think, that's what I was thinking of, and it's just not the same thing, you know, it's a Laundromat with a great side idea.

Commissioner Fox: Now if they put an addition on the building.....

Chairman Hall: They can't do that. Anybody else have anything to say before we put this to bed, we have a motion, a second, we have discussed this. The motion is to postpone it until February 13th.

The vote was unanimously in favor of the motion, with seven voting YES.

B. PETITION 47-07 – 240 Culver Street, JS Culver Street, LLC, 2175 Berlin Turnpike, Newington, CT 06111, owner and applicant, attention John Scelza, request for six (6) lot Subdivision R-20 Zone. Public hearing closed January 9, 2008. Sixty five day decision period ends March 14, 2008.

Chairman Hall: I'm going to turn this over to Russ, this is the petition for 240 Culver Street, 47-07.

Vice-Chairman Correll: May I remind you that I am also new. I was looking over some notes here for us to discuss pertaining to this petition. One is the suitability of the land, you know, remember there was a rule on the fifteen percent.....

Commissioner Pane: Excuse me, I think we should read the petition.

Commissioner Pruet: Petition 47-07 240 Culver Street, JS Culver Street, LLC, 2175 Berlin Turnpike, Newington, CT 06111 owner and applicant, attention John Scelza, request for six (6) lot subdivision R-20 Zone. Public hearing closed January 9, 2008. Sixty five day decision period ends March 14, 2008.

Vice-Chairman Correll: Okay, we can discuss it. One, was the suitability of the land, character of the land shall be of such quality that shall not be a danger to health or safety. Slopes in excess of fifteen percent grade cited as unsuitable example. Let's discuss that. Remember the slope on that lot there on the left side? What are your comments?

Commissioner Schatz: On that slope, I don't think a house should be put there, number one, and I don't think the amount of material coming out of there is a large amount. If you are going to blast, it would be nice to blast all at once, but on the other hand...I have a problem with that one lot.

Commissioner Niro: Which lot number?

Vice-Chairman Correll: Four.

Commissioner Schatz: Look at the way the slope is. You've got a swimming pool up on the top there, right by it. When you are standing down below, it doesn't look that bad, but when you get up on top, that's a long drop. They were going to bring that down and I'm not sure what effect that would have on the swimming pool.

Commissioner Niro: This is the lot right here that we're talking about?

Vice-Chairman Correll: Yes, Lot #4.

Commissioner Pane: The proposed blasting area for Lot #4 and #3, the cut area was to create a nice flat area for the house. When we went on the field trip there, we walked all the way to the rear corner of Lot 4, yes, it's steep over in the rear corner of Lot 4, but the, there are two other houses that are exposed there too, and it's at an area that's involved it, it's at an area of their yard that is in the corner and I don't think that it has an impact to the main house in any way, or a play area in the back. I think the cut area that they are proposing will create a nice flat area for the house and a yard area for both Lot 4 and 3.

Vice-Chairman Correll: Okay, what about behind the house?

Commissioner Niro: Behind what house?

Vice-Chairman Correll: Behind three and four, you say they are going to make a flat area.

Commissioner Pane: Yes, he's making a flat area, and then there is some slope there afterwards, correct. But that slope is no different than many other houses in town.

Commissioner Niro: That slope could be taken care of with plant materials, loam, walls, people don't even roll down it.

Commissioner Pane: Some people like to terrace their house's.....

Commissioner Niro: I mean, that's not much, I've seen worse slopes than that.

Vice-Chairman Correll: Okay.

Commissioner Pruett: I think it still meets the criteria of a three to one slope for building purposes, correct?

Ed Meehan: Well, once you begin cutting north to south, you shave this down, it's like a knob or nose sitting there, as the plan proposes to cut this down to three to one, garage on the high side, walk out on the low side with a flat area here, and then the yard goes from one elevation, it goes down to a flatter back yard, it runs out to the purposed lot in front. It's been commented on, this is the steepest corner of the lot. This is a newer house, in-ground pool here and then it goes down quite steeply to another lot here. This is the area, if you feel that lot is something that you would consider as a building lot and approve it, I would recommend that there be some sort of fencing in that corner or some other way just to protect it. I think any homeowner would want to do that anyway. But that has to be looked at, and maybe some better field control while that is being worked on to make sure the slope is as presented and there is, the blasting in that area is going to be very difficult and have to be done carefully because of the in-ground pool and the closeness to the adjacent properties. It's a tricky site to construct. Lot #3 does have some rock, but its not as severe as Lot #4.

Vice-Chairman Correll: Where is that pool, Ed?

Ed Meehan: The pool is on the adjoining property, doesn't show here, but there was some sparsely, might be some arborvitae in here, and then there is a fence and the pool is right here. I think he blasted the pool, it's an in-ground pool when he did all his site work for his home there. I would be surprised if he didn't.

Vice-Chairman Correll: Okay, that raises a question on blasting. Is this going to be done all at once? Are the lots going to sold individually to be built on by the owner?

Commissioner Schatz: I think, if I recall what was said at the hearing, the slope would be blasted, but it was hard to do all the blasting because they didn't know really what the new owner would want in that place. They would do the foundations later, as I recall it.

Commissioner Pruett: Yeah, that's what the notes say.

Commissioner Fox: There might be a chance that they might have to blast Lot 4, then 3, and then once the foundations are in, then they may have to blast again later.

Commissioner Schatz: And I think some of us asked if it could all be done at once so the blasting would be done, boom, done with, and I don't think we got an answer on that one.

Vice-Chairman Correll: That's why I asked the question.

Ed Meehan: I can share with you that there will be some blasting needed to put the road in for utility trenches. In speaking with the applicant's representatives today they don't have a hard schedule to share with the Commission. If they don't know, as Bob was saying, you know when a property owner is going to come along and want to buy a lot and what size the cellar hole needs to be prepared for that lot, so I think at best, there should be some control on the blasting in the beginning of the project to get the road in, get utilities for the road, and probably get Lots #4 and #3 if that is the Commission's desire to keep those as two building lots, at least get the bulk of that blasting to the grading, to the rough grading as shown here, done so that a buyer comes in later can then prepare the site for a cellar hole, the size of the cellar hole that they want. I think beyond that I think we need to be concerned with the impact on the existing neighbors who are going to, could have four or five blasting events, with different cellar holes, but not only that, if say you had, say Lot #3 was built on, I don't see, then Lot #4 comes to the market, they are blasting between an in-ground pool and someone living on Lot #3, or at least a foundation on Lot #3 at that point. I would think pragmatically the big heavy duty blasting which is going to be eight to ten feet should be taken care of up front and out of the way, the material taken off the site and again, you don't want to inconvenience the neighborhood, and at least the table set for those lots. We know on Lot #5, we visually saw a knob of rock even quite easily discernable when we were there, the question is, where is that house going to end up? Is the house going to be on the front of that lot, between the rock and (inaudible) or perhaps the property owner might want to push it back. They have a lot of room on that lot. But as Russ said, the blasting here, how it is handled, how it affects the neighbors is important. Insurance for the blaster, pre blast survey, we've had experience with that, at Rockledge and Waverly.....

Commissioner Pruet: I guess the ideal scenario would be to have all four plans submitted at one time, but that is not going to happen.

Ed Meehan: I don't believe the developer, and I can be corrected if I misunderstood this, is going to necessarily be the site developer and the home developer. He may sell a lot ready to go with utilities and rough graded, and someone will come in with their own builder, put the foundation in and build their own house, so there is not that control from beginning to end where you have that type of operation. The other thing is, and we talked about this at our staff meeting, the Town Engineer and I, and the applicant's representatives, because of the type of topography, and the limited amount of overburden, soil, during site construction there's periods of high vulnerability with storm water and there would have to be some good construction practices particularly to protect houses on Shady Hill, so any severe run-off is controlled and directed away from those homes. It's not just a silt fence, it could be hay barriers, it could be temporary berms, whatever to make sure that those houses aren't flooded.

Commissioner Ganley: I'm just thinking about the economic sense of not developing at least ninety percent of all the lots at about the same time. I can't imagine someone selling Lot #3, somebody starts to build, and discovers that they are going to start blasting at Lot #4. It would seem to make some sense to do at least almost all of the lots at least ninety percent in preparation so that someone could come in, and instead of looking at a hill on Lot #5, say, I'd like to buy this lot because he knows that that is what it is going to look like. So, it seems to me that it would behoove the developer to do a whole lot of the work, ground preparation to get that site ready, that's just a layman's opinion. I'm not putting up the dollars for the thing.

Commissioner Niro: Or sell the lot with it already blasted.

Vice-Chairman Correll: Any other comments about the blasting. Now lots five and six, they are going to have to get a waiver on that because of the length of the lots, close to 800 feet, Ed?

Ed Meehan: Some of them yes, well over 800 feet.

Vice-Chairman Correll: And that takes a three quarters vote of the Commission to grant that waiver. That covers just about everything under notes. Anybody else have anything to discuss about this petition.

Commissioner Schatz: Wasn't there some discussion about the waivers along one line? I'm just trying to remember.

Ed Meehan: One of the abutting property owners during the field walk, raised that as a possibility, could the conservation easement be modified if neighbors got together and bought some of the, maybe like Lot #5 that goes quite a ways to the east, you know, I suppose that is a possibility if the owner of Lot #5 wanted to sell some of their property, as long as his lot was conforming, but to gerrymander that conservation line would be something that I think staff would ask you to reconsider because it could get very confusing. If it was a uniform adjustment to the line, maybe it would make sense, but for one property owner, two or three lots up the road on Rockledge to project in, and the next guy is not in, pretty difficult, not practical.

Vice-Chairman Correll: Any further discussion.

Commissioner Fox: You have to read the motion to postpone.

Commissioner Pruett: I read the motion, nobody seconded it.

Commissioner Fox: You read the petition, not the motion.

Commissioner Pruett moved that Petition 47-07 – 240 Culver Street, JS Culver Street, LLC, 2175 Berlin Turnpike, Newington, CT 06111 owner and applicant, attention John Scelza, request for six (6) lot subdivision R-20 Zone Public hearing closed January 9, 2008. Sixty-five day decision period ends March 14, 2008 be postponed to February 13, 2008

The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Hall returned to the table.

VIII. PETITIONS FOR SCHEDULING (TPZ February 13, 2008 and February 27, 2008.)

Ed Meehan: There are a couple that have come in since the agenda was posted. One is the request to process material over at the Tim Horton site, the second one is an application by Leonard Udolf for his apartments on Willard Avenue to expand some parking, which requires a site plan modification. That is what we have so far. Then you will have the Fenn Road Associates Hayes-Kaufman project that was left open.

IX. PUBLIC PARTICIPATION (For items not listed on agenda)

None.

X. REMARKS BY COMMISSIONERS

Commissioner Pruett: Ed, you mentioned before you were going to discuss this accessory apartment zoning regulation. Did you get any information on how surrounding towns are doing that, did anybody respond to that?

Ed Meehan: I looked at some of the adjacent town zoning regs on the internet and some resources from the Capital Region Council of Governments on how they control accessories. Just about all of our neighboring towns have accessories. There are various types of standards on square footage, on appearance, most all have a special exception process, public hearing and notice to the abutting property owners. Some of them limit it to just elderly. They don't limit it to relatives by blood or marriage. I didn't see anything particular about the issue of access, separate access other than from an architectural point of view, so the appearance of a single family home is maintained. So there is information, most communities do have this type of regulation, and I did report some of that in my memo.

Chairman Hall: Other remarks by Commissioners?

Ed Meehan: Do you want me to get into that?

Chairman Hall: I do, but I was just wanted to make sure nobody had anything else.

Commissioner Pane: I was just wondering if we were going to allocate maybe in the next two or three meetings or something some time to, for this subject.

Chairman Hall: Correct, we were going to pick that up under his staff report. I just want to make sure that there wasn't anything else anybody wanted to bring up.

XI. STAFF REPORT

Ed Meehan: Well, the Commission, let me just summarize the memo because I don't want to read it to you, back, the prior Commission that was sitting November 14th, directed that a staff report be prepared for the new Commission coming in and it was, the target date was in January to get this on your table to reconsider the issue of bringing back accessory apartments and I looked at the current regulation and you will see in my report I gave you some background on what the history is in Newington. It goes back to '84. It's been tuned up a couple of times to strengthen it, as far as putting new standards in for the size of accessory relative to the principal unit. It was changed in 2001, it was restricted to relatives by blood, marriage or adoption, and it's been, it's a regulation that hasn't been very much used. I think in the last seven years we have only had eight applications. Looking at those applications, one was denied, all the others were approved, and it's fifty/fifty. Three of those applications were for brand new homes, where the party building the new home had the intent of having a relative live with them, or someone live with them, I can't say it was a relative, and they came to the Commission in advance of getting their plans approved by the Building Department and showed you how they were going to lay out their accessory unit. There were another three units that were in existing homes that were older homes and they came in, they verified and they provided an affidavit that they met the standards and the square footage. One was a renewal of one of the newer homes, it changed hands and was repurchased down on Pfister Drive and the party buying that house, before they closed on it came in and pursuant to the regulations made sure that the special exception was transferred to them as the new home buyers and in that case they did say on the record that they were moving in an elderly relative. One denial off of New Britain Avenue on a site which was quite controversial and emotional on that property, but other than that, there hasn't been a lot of action

on this particular type of use. You will see in my memo where I raise a couple of legal questions which I think, as Dave asked, looking at other towns and doing some research on this, where our regulations limit it to relatives by marriage, blood or adoption, I think that is something where you would want to get some input from the Town Attorney. From the review that I have done, that may not be legal. The principle in zoning is you regulate the use, not the users. So you don't get into who is living in it, you know, how old they are, essentially if they are kids or not, but the elderly are considered a protected class, frail, and there are exceptions to setting aside and limiting housing, accessory apartments to the elderly and there are a couple of court cases that I cited where it has been upheld. So I think Mr. Ancona probably should look at that if you are going to move this forward, and that goes back to the amendment that was done back in 2001, and I do think if this is reconsidered and brought back focusing on the elderly is something that I think would be appropriate. Also I think the regulations could be strengthened, I know that the Commission was acting on this over the summer felt that there might be some way to strengthen it to maintain the assurance that the home would stay and have the appearance of a single family home, where the doorways are cut in, where the accesses are, so I have offered some language for that. The other thing that was discussed and it may be hard to draft in formal zoning regulation language, I'm not quite sure how to do it yet, but to have, if you do limit it to elderly, which obviously would be part of a family member, that you have connections between the principal residence into the accessory residence, internally so you don't have an outside access unless the building code, because of fire issues or distance called for it. I would suggest that the writing of that be done so that it gives the Commission some discretion, some wiggle room, so when you get an application before you, you can see, based on the configuration of the house, how the house lays out and so forth, you know, if that is going to be a hard and fast rule all the time. I think you might want to reserve the option with that. Those are the things that I picked up from looking at the minutes, going back to last June and July and more recently in November. I did put some statistics in there on elderly population. Newington is not really unique, but kind of unique in our area compared to some of our neighbors. Already our median age is quite higher than our neighbors and the population projections look like it's going to get percentage even more. On top of that, based on the assessor's information the number of seniors taking advantage of the tax freeze and the renter rebate, you know it's not as high as the number of people that statistically need it, you've got about 1500 senior households that could qualify because they are low income, but you know, maybe half of that are using the renter rebate or the freeze program. We only have 250, rather 205, 210 units of affordable senior housing, Newington Housing Authority, or the senior high rise, so you back all those numbers out, statistically it could be in need of almost 500, 550 affordable units for the seniors and certainly accessory apartments you know make a little dent in that if people take advantage of it. That's the statistical side of it.

Commissioner Pane: I guess you could also have them come back yearly for re-approval, too.

Ed Meehan: Put time limits on it.

Commissioner Pane: Put time limits on it.

Ed Meehan: That's in the regulations now, if you thought that was appropriate.

Commissioner Pane: Do you think that we could gather the information from the last Commission, when they took it out, the minutes, their discussions, all that information so we could review it?

Commissioner Fox: Including the public hearing.

Ed Meehan: Yes, the public hearings.

Commissioner Pane: Including the issue where there was some discrepancies I guess, there was something that started the whole thing too, so we need that too.

Ed Meehan: How far back do you want to go?

Commissioner Fox: Maybe the minutes from Beacon Street application, that's actually.....

Commissioner Pane: That's probably why the Commission killed it, and I'd like to read that too.

Ed Meehan: I can make that available to you, I think that's, what's the best way to phrase it, that's was such an odd ball.....

Commissioner Pane: I understand that it was odd, but I think I should be familiar with it in order for me to make a judgment on the use.

Ed Meehan: I can get you Beacon Street, and then there was conversation around the public hearings in July, in June and then there was a good discussion when the issue of reconsideration came up in November, the Commission members articulated you know the pros and cons of it.

Commissioner Pane: Thank you.

Commissioner Pruett: Just a clarification from Ed. You mentioned about elderly being a protected class. How do you distinguish from renting to somebody who is not a relative, providing them a living quarters, without a fine line between like a rental property. I'm a little fuzzy on that. In other words, it's not a relative, if I'm going to provide elderly living space, to a non-relative, where is the fine line between rental property income.

Ed Meehan: You could rent to an elderly person. It doesn't have to be a relative. The thing is, it's the age....

Commissioner Pruett: I realize that, but then you are into an income producing...

Ed Meehan: You might be income producing if your mother-in-law lived there, too, you could be charging rent. Again, we don't regulate the users, other than the exception because that group of people because of their age and their incomes can be excepted, but the combinations of personal situations are not too much the issue of zoning, it's the impact on the land, the lot, the exterior of the house, the number of parking spaces, if we had on-site systems, the impact on septic systems, well water, things like that.

Commissioner Pruett: I think we need some input from Ben Ancona on that.

Commissioner Pane: I was just going to say, most of the situations because if you are going to have the interior mingling with the rest of the house, it's going to be family relative, especially without that exterior door, which Ed suggested which would keep it more of a single family look. So now you are going to have to go from the main house into that other side area so I don't foresee that going to a complete stranger, allowing then in your house.

Commissioner Fox: That's one of the things that, I think both you and I talked about that, or was it Vinnie, having no exterior egress, open to the rest of the house, so that is more of a family aspect so you are not going to be inclined to put an ad over at Central and say, you laugh, but people have been taking to me ever since this, on both sides, mostly the wrong side, the other

side, and there are a couple of neighborhoods where you have a very benign, nice looking one family house, but you have about four college kids living in an accessory apartment. They rent it out. I don't think that is why we want accessory apartments. How do you enforce that? How do you tell the user that that is not the proper use? I've seen in the classified ads recently, there was one in the Town Crier last week, I saw one on Realtors.com, the old barn on Maple Hill Avenue that burned and Carbone redid it, that's being advertised as a possible in-law apartment. There are a couple of raised ranches that are being advertised as possible in-law apartments. So, I see this, I say well good, maybe I can make some money, I can buy the house and rent that in-law apartment, or accessory apartment, this was actually called an in-law apartment, and make a few hundred dollars a month on it. That again is not the idea of having an accessory apartment. If you can do something as Domenic suggested, I would be glad to have something like that reinstituted.

Commissioner Ganley: I just heard us go all around the table, agonizing over an issue that as of this date we don't have to deal with. We don't have accessory apartments. We are going to take upon ourselves an identical burden to the one that brought us to the decision to do away with them, and it all revolves around, how does one regulate, how can one be sure, how is one going to possibly know, who is going to stick their nose in the door, who is going to see if there is a private entrance, we're taking the identical burden that we just got unburdened of, just several months ago. That's exactly what we are doing right now, and we haven't even gotten the issue before a Public Hearing yet. This is only an informal discussion just amongst us.

Commissioner Fox: I agree, but Tom, what is causing us to have this discussion.

Commissioner Ganley: Because someone or somewhere they said, gee, you really ought to have this.

Commissioner Fox: Public outcry.

Commissioner Ganley: We already made a decision, all I'm saying is that we already made a decision about not having it, so now we are going to go all the way back to the identical arguments and raise the same issues and the same pros and cons over an issue that we don't have. If you want to take that upon yourself, I'll participate, and we already know where Ben is coming from on this.

Commissioner Fox: Yes we do.

Chairman Hall: Except Tom, it was only at that period of time where they took it out of the regulations, up to that time we had it, and there really were no problems until that one issue that got out of hand for many reasons. There was plenty of blame to go around on that one.

Commissioner Fox: I don't know, I kind of have to disagree with you Madam Chairman, that was, and I think Vinnie called it, the straw that broke the camels back. We had had things come up before as to, what is happening to these in-law apartments where the in-laws either die or end up in a home or something like that, a homeowner has an in-law apartment, and again, you know, somebody ends up in there, because it's not going to remain empty. It usually ends up as a rental apartment, and this has been coming, to our knowledge, time and again, so it was just that one on Beacon Street that kind of pushed the decision.

Chairman Hall: Right, but if you create your regulations so that there is an ability for enforcement then it should, let's say a neighbor makes a complaint, into the Zoning Official. The Zoning Official has to go out and make the investigation. If it does not fit the regulation, then they can be cited for it.

Commissioner Fox: And how does the Zoning Official gain access to make one hundred percent positively sure that the complaint is valid? That they have an in-law apartment in there, they have a kitchen, and that the person in the apartment is the in-law? Is it the same person who was there when they either bought the house with an in-law, with an authorized in-law apartment, or added in-law apartment, are those the same occupants? How do you do that?

Commissioner Pane: That's where the time limit comes into play. If you wanted to institute, there are several different things that you could possibly institute to this to clean it up, but I think the whole reason that this was brought on the agenda was just to bring the information out to the Commission, let the Commission review it all, determine whether or not things could be instituted to this to be able to bring it back on board efficiently, and see if the Commissioners feel that it can be. If it can't, it can't, but maybe there are some things that we could do to the regulations to clean it up, so it could be beneficial to people in town, and not be a burden to this Commission or the town.

Chairman Hall: Hopefully it will be reflected on again. I think that's what we have been asked to do and I think there was enough of a consensus around the table that we did want to revisit the issue and then when we are finished with the issue we will know what direction we want to take.

Commissioner Camerota: My comment, I'm really interested in what the public has to say, both for and against, either keeping the regulation out or bringing it back in, people who have had experience where they are upset with the way that the accessory apartments have been used after they were originally approved, or upset because they haven't been able to use their home for caring for an elderly person, so I'm really interested in that part to hear what the public has to say.

Chairman Hall: Do our due diligence. Now Ed, the process at this point would be, we have done a preliminary discussion at this point, you would bring it back as an item for discussion again, or how.....

Ed Meehan: I think you could list it on your agenda under staff, I can pull together this other information that was requested on Beacon Street, TPZ minutes, put a package together. You could discuss it as a body of the whole, or you could, in the past, the Commission has had a regulations subcommittee that did more of the nuts and bolts work of you know, sitting down and drafting. I don't know if you are ready for that yet. Maybe if I get this packet of information, you can have one more sort of open round of discussion and if you have a sense of what direction you want to go in, then I could do what you want me to do, start drafting a regulation independently or work with a subcommittee. If you want to bring it to public hearing, then we need a set of regulations that we can set down, refer to the Capital Region Council of Governments and go through the formal public hearing process. I don't know if you want to go that far or if you want to have an informal session where the public can come in. That could be inviting problems for you, I don't know.

Commissioner Fox: Through the Chairman, Ed are you saying if we do notice of public hearing we should or have to have a set of regulations ready to put in place regarding.....

Ed Meehan: You have to have draft regulations, the language that you want to bring back to the public. If you want to bring back, making the policy decision, you want to bring back this use, say by special exception, accessory apartments. Now it doesn't mean that you are going to vote on it. As Michele said, you want to hear what people are going to say. If you get an outpouring of people dead set against it, you may say, we have the best regulations that we can draft, but the sense of the community is, we don't want it. Or, you may get support for them, you may get some good ideas how to tune them up a little bit better. You won't know that until you formally go

through a public hearing process, which you have to do, for the Planning and Zoning Commission to put it out to public hearing.

Chairman Hall: I think we all have anecdotal, people who have approached us in the past six months, every single one of us, pro and con, war stories, whatever.

Commissioner Pane: Can I make a suggestion Chairman Hall, that we just put this on staff for the next two or three meetings, allocate some time to it, and then maybe after the second meeting we will have a better idea or third meeting maybe we'll as a group, as a body, we'll know that we will want to bring this to a, we'll have some things set up and we'll want to bring this farther, or we might not want to, but I think that is the best way to handle it right now, look at it under Staff for maybe two, three meetings and then see where that goes.

Chairman Hall: That sounds good.

Commissioner Pruett : I concur with Dom and also would like to follow suit with the recommendation by Ed to get some input from Ben, the Town Attorney on the several items that he brought forth, so either through you, or through Ed, get those opinions and work them out like Domenic said, the next two or three meetings and then we go.

Chairman Hall: Any further comment on this particular item? Ed, do you have anything else under staff?

Ed Meehan: Nope, that's it.

Chairman Hall: Next meeting, because I did not know I was still going to be involved in Newington politics, we have a vacation schedule, so I will not be here for the 13th. Russ will be in charge of that one, but I promise that is the only time all year that I have a scheduled time during the second and fourth.

Commissioner Niro: Cathy, you can take any time you want.

Chairman Hall: Well, no I made a commitment to this and I intend to pursue it. At the time, I didn't know that my second week, or fourth week was going to be taken up again, but I'm happily here, so the 13th, I will be gone.

Commissioner Fox: We'll have Ed set up a conference call. You can participate.

Chairman Hall: Then again, you have been excellent about this, anybody who is not going to be attending a meeting, you have contacted me, so therefore I can contact the alternates because I want to be sure that they are going to be here, if they need to be seated, and so far you have been really good about that, I appreciate that. So anytime that you are not going to be here, if you could just pass the word along.

If we have no other business before the Commission this evening, I'll entertain a motion.....

Commissioner Pane: Madam Chairman, I have some business that I would like to go over. We received some Zoning Enforcement Officer Reports from our Zoning Enforcement Officer.

Chairman Hall: Yes, is this going to be every month now?

Ed Meehan: We try to do them every month.

Commissioner Pane: I was just going to make a suggestion that we, they are all on the computer, maybe we could get them more often.

Ed Meehan: You have there, what, November, December?

Commissioner Pane: November, December right there. That way we can stay on top of that a little bit. If they are just computer generated, if it's not a big deal for Art, maybe he could, we could get them a little bit more frequently.

Ed Meehan: I think November was held up because of the change, you want them like half way through the month?

Commissioner Pane: If it's not a big deal, that would be great.

Ed Meehan: No, it's not a big deal, it's all daily log sheets.

Chairman Hall: What do we do with these chronic violators?

Ed Meehan: These are the ones, as you mentioned to me before, 2608 Berlin Turnpike, this is the one where we would like to have that zoning ticket. A lot of these, these are the guys, the banners, the signs, or the car, they are very mobile, Carpet Galaxy.

Commissioner Fox: I have a problem with them, especially all their flags.

Ed Meehan: Their flags are in the state right of way, we have already got....

Commissioner Fox: The ones on the top of the building, I'm sorry, to me it's disrespectful, for them to use them for advertising like that.

Ed Meehan: If we had the zoning ticket, if there was a fine attached to it, rather than going through the citation, the cease and desist process, hopefully we could avoid some of this.

Chairman Hall: Now where is that, I remember sitting here through that, and then it was going to go somewhere, where did it go?

Ed Meehan: We shared it with the former Town Attorneys office, the process they use in West Hartford, and I think Tom brought some stuff down from Hartford.

Commissioner Ganley: Hartford, the Health Department of Hartford.

Ed Meehan: And we didn't get any real feedback. Last week Art Hanke sat down with Ben Ancona with the same material and asked if he could give us time on it, to give us some direction.

Chairman Hall: Okay, well I think we need to pursue this, because this is almost embarrassing but certainly aggravating to have these time and time again, the same people, and the same violation.

Ed Meehan: Typically unregistered motor vehicles, signs, flags....

Commissioner Pane: Chairman Hall, as long as Galaxy Carpet was brought up, I think it's important whether it's this one that we are talking about, or anybody else that the Zoning Enforcement Officer is consistent with his enforcement throughout the town. The Galaxy Carpet here was cited for merchandise displayed outside on 4-18-2007. What about merchandise

displayed at Lowe's Building Products on the Berlin Turnpike. Why would Galaxy get something like that, and not Lowe's.

Ed Meehan: Lowe's has a site plan that shows outside storage.

Commissioner Pane: I was on that, there is no outside storage allowed, they have sheds in parking spaces.

Ed Meehan: I'm talking about the stuff in front of the store.

Commissioner Pane: I'm talking about, sheds in parking spaces, in several different locations.

Ed Meehan: In the parking lot?

Commissioner Pane: Yes, and that is product displayed for sale.

Ed Meehan: I don't know about that one, but immediately in front of the building they have.....

Commissioner Pane: Just in front of the building they have a little bit of space, but nothing, on the garden side, nothing is supposed to be in the parking spaces, I don't believe.

Ed Meehan: In the front...

Commissioner Pane: In the front, but nothing on the end of the building.

Ed Meehan: When the site plans come in and show outside display, then we do not cite them. I'll give you another example. The other carpet place on Fenn Road, that's got a going out of business sale. He wanted a display outside and we said, if you come in and you can show on your site plan where you want to put it, and the Commission approves outside display, then you can do it, but without that site plan, you cannot display out in the front yard.

Commissioner Pane: So because they were allowed to have a little bit of display outside, they are not, they are not looked at, at all.

Ed Meehan: You're talking about Lowe's?

Commissioner Pane: Yes.

Ed Meehan: I'm not making any excuse for Lowes, I didn't know about the sheds at Lowes, but I'm trying to answer how some places can do outside storage display, if it is on their site plan they can do it.

Commissioner Pane: I remember that when we were here for Lowes. That they were allowed a minimum amount of display in the front of the store, on the walkways, and it was minimum because the Commission that sat there at the time was concerned about foot traffic and making sure that there was ample safety for pedestrians going in and out of the store, so I do remember that, but I do think that this is an issue that needs to be addressed, consistency.

Commissioner Ganley: What do we have to do with the building department?

Chairman Hall: What do you mean, what do we have to do with the building department.

Commissioner Ganley: We don't control the building department. The building inspectors.

Commissioner Pane: Zoning enforcement, this is zoning enforcement.

Ed Meehan: Well it is zoning enforcement and if it is in the zoning regulations then it's under the purview of this Commission. But the issues with the ticket is something that we would feel at the staff level would give us another, hopefully a third avenue to move faster on. We may not have the same statutory authority of Hartford or West Hartford because those are charter communities and they don't operate under the Section 8-2 statute as far as zoning, they have their own, they were given charters to do their home rule, but that is one of the questions that we asked the Town Attorney. If we haven't got the legal authority to do it, then it's a moot point, but if we do have the right to issue zoning tickets with a fine immediately, it might work. But this other route, they have seventy-two hours to comply, they can appeal that, they have ten days, they go before a hearing officer, it's frustrating.

Chairman Hall: And as you can see, they do what they have to do, and then they do it again, and then they have a period of time again.

Ed Meehan: The only exception is if it is a public safety issue, a car in the right of way, then we go through the police department, or a health issue, we go through the health department.

Commissioner Pane: I think if the ticket issue helps our Zoning Enforcement Officer make things easier for him, then we as a body should look into it.

Ed Meehan: It's underway now with Attorney Ancona.

Chairman Hall: Hopefully, and if you feel that he needs a little bit of a push to have it come from us that we would like to have him present at a certain time, in other words, give him a date in March for him to come before us with whatever he has found, or just let us know that too, I think we can rally our forces here to have that happen.

XII. ADJOURNMENT

Commissioner Pruett moved to adjourn the meeting. The motion was seconded by Commissioner Pane. The meeting was adjourned at 9:12 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary